

1. AMENDMENTS TO THE CLAIMS (LISTING OF CLAIMS):

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Original) An isolated polynucleotide comprising:
 - (a) an isolated HSV LAT enhancer element;
 - (b) a first isolated LAT insulator/boundary region operably positioned upstream of said isolated LAT enhancer element; and
 - (c) a second isolated LAT insulatory/boundary region operably positioned downstream of said isolated LAT enhancer element.
2. (Previously Presented) The isolated polynucleotide of claim 1, wherein said LAT enhancer element comprises a contiguous nucleotide sequence from an HSV LAT 5 exon.
3. (Previously Presented) The isolated polynucleotide of claim 2, wherein said LAT enhancer element consists essentially of a contiguous nucleotide sequence from an HSV LAT 5 exon.
4. (Previously Presented) The isolated polynucleotide of claim 3, wherein said LAT enhancer element consists of a contiguous nucleotide sequence from an HSV LAT 5 exon.
5. (Previously Presented) The isolated polynucleotide of claim 1, wherein said LAT enhancer element comprises a contiguous nucleotide sequence from about nucleotide 118,975 to about nucleotide 120,471 of an HSV LAT 5 exon.

6. (Previously Presented) The isolated polynucleotide of claim 5, wherein said LAT enhancer element consists essentially of a contiguous nucleotide sequence from about nucleotide 118,975 to about nucleotide 120,471 of an HSV LAT 5 exon.
7. (Previously Presented) The isolated polynucleotide of claim 6, wherein said LAT enhancer element consists of a contiguous nucleotide sequence from about nucleotide 118,975 to about nucleotide 120,471 of an HSV LAT 5 exon.
8. (Canceled)
9. (Previously Presented) The isolated polynucleotide of claim 1, further comprising at least a first promoter region operably positioned upstream of said LAT enhancer element, and downstream of said first LAT insulator/boundary region.
10. (Previously Presented) The isolated polynucleotide of claim 9, wherein said promoter region comprises an HSV LAP1 promoter.
11. (Previously Presented) The isolated polynucleotide of claim 10, wherein said promoter region consists essentially of an HSV LAP1 promoter.

12. (Previously Presented) The isolated polynucleotide of claim 11, wherein said promoter region consists of an HSV LAP1 promoter.
13. (Previously Presented) The isolated polynucleotide of claim 9, wherein said promoter region comprises an HSV LAP1 promoter that comprises a sequence region of from about nucleotide 117,938 to about 118,843 of said HSV LAP1 promoter.
14. (Previously Presented) The isolated polynucleotide of claim 13, wherein said promoter region comprises an HSV LAP1 promoter that consists essentially of a sequence region of from about nucleotide 117,938 to about 118,843 of said HSV LAP1 promoter.
15. (Previously Presented) The isolated polynucleotide of claim 14, wherein said promoter region comprises an HSV LAP1 promoter that consists of a sequence region of from about nucleotide 117,938 to about 118,843 of said HSV LAP1 promoter.
16. (Previously Presented) The isolated polynucleotide of claim 15, wherein said promoter region comprises an HSV LAP1 promoter that consists of a sequence region of from nucleotide 117,938 to 118,843 of said HSV LAP1 promoter.
17. (Previously Presented) The isolated polynucleotide of claim 1, wherein said first LAT insulator/boundary region comprises a contiguous nucleotide sequence from an HSV insulator region or an HSV boundary region.

18. (Previously Presented) The isolated polynucleotide of claim 17, wherein said first LAT insulator/boundary region comprises a contiguous nucleotide sequence from about nucleotide 8365 to about nucleotide 9273 of HSV1.
19. (Previously Presented) The isolated polynucleotide of claim 18, wherein said first LAT insulator/boundary region consists essentially of a contiguous nucleotide sequence from about nucleotide 8365 to about nucleotide 9273 of HSV1.
20. (Previously Presented) The isolated polynucleotide of claim 19, wherein said first LAT insulator/boundary region consists of a contiguous nucleotide sequence from about nucleotide 8365 to about nucleotide 9273 of HSV1.
21. (Previously Presented) The isolated polynucleotide of claim 20, wherein said first LAT insulator/boundary region consists of a contiguous nucleotide sequence from nucleotide 8365 to nucleotide 9273 of HSV1.
22. (Previously Presented) The isolated polynucleotide of claim 1, wherein said second LAT insulator/boundary region comprises a contiguous nucleotide sequence from an HSV insulator region or an HSV boundary region.

23. (Previously Presented) The isolated polynucleotide of claim 22, wherein said second LAT insulator/boundary region comprises a contiguous nucleotide sequence from about nucleotide 120,208 to about nucleotide 120,940 of HSV1.
24. (Previously Presented) The isolated polynucleotide of claim 23, wherein said second LAT insulator/boundary region consists essentially of a contiguous nucleotide sequence from about nucleotide 120,208 to about nucleotide 120,940 of HSV1.
25. (Previously Presented) The isolated polynucleotide of claim 24, wherein said second LAT insulator/boundary region consists of a contiguous nucleotide sequence from about nucleotide 120,208 to about nucleotide 120,940 of HSV1.
26. (Previously Presented) The isolated polynucleotide of claim 25, wherein said second LAT insulator/boundary region consists of a contiguous nucleotide sequence from nucleotide 120,208 to nucleotide 120,940 of HSV1.
27. (Previously Presented) The isolated polynucleotide of claim 1, further comprising at least a first multiple cloning region operably positioned downstream of said first LAT insulator/boundary region and upstream of said LAT enhancer element.

28. (Previously Presented) The isolated polynucleotide of claim 27, wherein said first multiple cloning region further comprises a nucleic acid sequence that encodes a promoter or an enhancer sequence that is expressed in a mammalian host cell.
29. (Previously Presented) The isolated polynucleotide of claim 27, further comprising at least a second multiple cloning region operably positioned upstream of said second LAT insulator/boundary region and downstream of said LAT enhancer element.
30. (Previously Presented) The isolated polynucleotide of claim 29, wherein said second multiple cloning region further comprises at least a first nucleic acid sequence that encodes a therapeutic agent.
31. (Previously Presented) The isolated polynucleotide of claim 30, wherein said second multiple cloning region further comprises a nucleic acid sequence that encodes at least a first therapeutic agent selected from the group consisting of a peptide, a polypeptide, a ribozyme, a catalytic RNA molecule, an antisense oligonucleotide, and an antisense polynucleotide.
- 32.-45. (Canceled)
46. (Previously Presented) A viral vector, virion, or plurality of viral particles that comprises the isolated polynucleotide of claim 1 or claim 73.

47. (Previously Presented) The viral vector, virion, or plurality of viral particles of claim 46, wherein said vector, virion, or plurality of viral particles is of retroviral, adenoviral, adeno-associated viral, or-a herpes viral origin.

48. (Previously Presented) The viral vector, virion, or plurality of viral particles of claim 47, comprising a gutless HSV vector, a gutless AV vector, a gutless AAV vector, a recombinant HSV vector, a recombinant AV vector, or a recombinant AAV vector.

49.-50. (Canceled)

51. (Previously Presented) An isolated mammalian host cell that comprises:

- (a) the isolated polynucleotide of claim 1 or claim 73; or
- (b) the viral vector, virion, or plurality of viral particles of claim 46.

52.-53. (Canceled)

54. (Previously Presented) A pharmaceutical composition comprising the isolated polynucleotide of claim 1 or claim 73, or the viral vector, virion, or plurality of viral particles of claim 46.

55.-71. (Canceled)

72. (Previously Presented) A recombinant viral vector comprising an isolated polynucleotide that comprises:
- (a) an isolated HSV LAT enhancer element, that comprises a contiguous nucleotide sequence from about nucleotide 118,975 to about nucleotide 120,471 of an HSV LAT 5 exon;
 - (b) a first isolated LAT insulator/boundary region, that comprises a contiguous nucleotide sequence from about nucleotide 8365 to about nucleotide 9273 of HSV1, operably positioned upstream of said isolated LAT enhancer element; and
 - (c) a second isolated LAT insulatory/boundary region, that comprises a contiguous nucleotide sequence from about nucleotide 120,208 to about nucleotide 120,940 of HSV1, operably positioned downstream of said isolated LAT enhancer element.
73. (Previously Presented) An isolated polynucleotide that comprises:
- (a) an isolated HSV LAT enhancer element, consisting essentially of a contiguous nucleotide sequence from about nucleotide 118,975 to about nucleotide 120,471 of an HSV LAT 5 exon;
 - (b) a first isolated LAT insulator/boundary region, consisting essentially of a contiguous nucleotide sequence from about nucleotide 8365 to about nucleotide 9273 of HSV1, operably positioned upstream of said isolated LAT enhancer element; and
 - (c) a second isolated LAT insulatory/boundary region, consisting essentially of a contiguous nucleotide sequence from about nucleotide 120,208 to about nucleotide 120,940 of HSV1, operably positioned downstream of said isolated LAT enhancer element.

74. (Previously Presented) The isolated polynucleotide of claim 73, further comprising a first promoter region operably positioned upstream of said LAT enhancer element, and downstream of said first LAT insulator/boundary region.
75. (Previously Presented) The isolated polynucleotide of claim 74, wherein said first promoter region consists essentially of a sequence region of from about nucleotide 117,938 to about 118,843 of an HSV LAP1 promoter.